

REMARKS

Status of case

Claims 15-18, 22-30, 32-43 and 66-68 are currently pending in this case.

Objection to the Specification

Referring to page 2 of the Office Action, the Examiner contends that the specification includes incorrect apostrophe usage. The Applicant refers the Examiner to the amended specification in which two instances of "investors" have been replaced by "investor's", addressing the Examiner's concerns.

Rejection under 35 U.S.C. § 112

Referring to pages 2-4 and page 26 of the Office Action, the Examiner rejects claims 15-18, 22-30, 32-43 and 68 as failing to comply with 35 U.S.C. §112, first paragraph. The Examiner contends that the claims contain subject matter not described in the specification. Specifically, the Examiner objects to the "plurality of different investors" recited in the amended claims.

The Examiner further contends that the specification is directed to managing an individual investor's funds, rather than funds from a plurality of different investors.

The Applicant respectfully submits that, although describing investor interactions on an individual level, the instant application relates to a management of funds from a plurality of different investors. For example, paragraph 137 of the instant specification states that "[t]he asset manager will actively manage all securities under his/her control ... in isolation of any knowledge of the actual funds allocated ... **or the number of accounts affected**" (emphasis added).

Furthermore, later in paragraphs 137-139 of the instant application, it is stated that "bulking of orders" and "netting of orders" is preferably used, which would clearly be understood by a skilled reader to relate to the management of funds from a plurality of investors.

The Applicant respectfully submits that the specification provides ample antecedent basis for a claim directed to a funds investment system for managing funds from a plurality of different investors.

Referring to pages 4-6 of the Office Action, the Examiner rejects claims 15-18, 22-30, 32-43 and 66-68, under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

In this regard, the Examiner rejects claims 15-18 and 66 as being incomplete for omitting essential structural cooperative relationships of the elements. Specifically, the Examiner notes that structural relationships between the receiver, the processor and the input means are omitted. The Examiner rejects claim 15 as he considers that it is unclear if the receiver is a human receiver or a technology component. The Examiner rejects claims 26, 30 and 40 as lacking, or having unclear antecedent basis and also rejects claims 15, 22, 26, 30 and 40 as being unclear regarding what is meant by "administering a superior allocation".

The Applicant refers the Examiner to the amended claims in which the amendments clarify the structural relationship between the elements, recite the receiver as a technology component, and address any antecedent issues. Specifically, amended claim 15 recites a reception interface instead of a receiver, amended claims 15 and 66 clarify that the processor and reception interfaces are coupled, amended claims 26, 30 and 40 provide clear antecedent basis for "the step of performing intermediate allocations" and amended claims 15, 22, 26, 30 and 40 no longer reference "administering a superior allocation".

For the foregoing reasons, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112.

Rejection under 35 U.S.C. § 101

Referring to pages 7 and 26 of the Office Action, the Examiner rejects claims 15-18 and 66 as being directed to non-statutory subject matter. The Applicant refers the Examiner to the amended claims.

The Examiner rejects claim 15 as being directed to receivers comparing human beings. The amended claims recite a 'reception interface' rather than a 'receiver', thus addressing the Examiner's rejection.

The Examiner rejects claims 22-25 as the claimed computer readable medium includes non-tangible transitory signals. The amended claims recite 'tangible, non-transitory computer readable medium, comprising computer executable code' rather than a 'computer program', addressing the Examiner's rejection.

Finally, the Examiner rejects claims 26-30, 32-39 and 67 as claiming an abstract idea. The amended claims clarify that the intermediate allocations are performed by at least one processor, addressing the Examiner's rejection.

For the foregoing reasons, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 101.

Rejection under 35 U.S.C. § 102

The Examiner rejects claims 15-18, 22-26, 28-30, 32-33, 35-43, 66 and 68 as being anticipated by US 6,018,722 (Ray), discussed in the previous Office Action.

The Applicant respectfully submits that Ray does not teach or disclose a multi-tiered approach as claimed in the present invention.

In this regard, the Applicant submits that the instant application, as claimed, involves intermediate allocations which are then updated based upon predetermined rules and a predetermined threshold.

The passages in Ray referenced by the Examiner in this context, for example column 5, lines 33-48, column 8 lines 63-67 and column 9 lines 1-8, relate to adjusting asset allocation models. The Applicant respectfully submits that Ray does not disclose, teach or suggest the use of intermediate allocations to distribute funds in an investment portfolio.

For the foregoing reasons, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102.

Rejection under 35 U.S.C. § 103

The Examiner rejects claims 27, 34 and 67 as being unpatentable over Ray, as applied to claim 26 in the 35 U.S.C. § 102 rejection above.

The Applicant submits that claims 27, 34 and 67 include intermediate allocations which are then updated based upon predetermined rules and a predetermined threshold.

For the foregoing reasons, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103.

SUMMARY

Applicant respectfully requests the Examiner enter the proposed amendments and grant allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

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